

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USDC Docket Number : 05-cv-11708

T. Mark Morley

v.

Ontos, Inc.

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**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-17


and contained in Volume(s) I & II are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 2/28/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on March 22, 2006.

Sarah A Thornton, Clerk of Court

By:   
Jeanette Ramos  
Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 3/24/06.

  
Deputy Clerk, US Court of Appeals

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COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL, STAY

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:05-cv-11708-RGS**

Morley v. Ontos, Inc.  
Assigned to: Judge Richard G. Stearns  
Cause: 28:0158 Notice of Appeal re Bankruptcy  
Matter (BA)

Date Filed: 08/15/2005  
Jury Demand: None  
Nature of Suit: 422 Bankruptcy  
Appeal (801)  
Jurisdiction: Federal Question

**In Re**

**Ontos, Inc.**

**Plaintiff**

**T. Mark Morley**

represented by **Thomas Mark Morley**  
Verdasys Inc.  
950 Winter St.  
Suite 2600  
Waltham, MA 02451  
339-222-4241  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

I hereby certify on 3/22/2006 that the  
foregoing document is true and correct copy of the  
☐ electronic docket in the captioned case  
☐ electronically filed original filed on \_\_\_\_\_  
☒ original filed in my office on 3/22/2006  
Sarah A. Thornton  
Clerk, U.S. District Court  
District of Massachusetts  
By: [Signature]  
Deputy Clerk

V.

**Defendant**

**Ontos, Inc.**

represented by **Donald F. Farrell, Jr.**  
Anderson Aquino LLP  
260 Franklin Street  
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V.

**Appellee**

**Joseph G Butler**  
*as Chapter 7 Trustee of the Estate  
of Ontos, Inc.*

**Appellee**

**Firestar Software, Inc.**

represented by **Christian J. Urbano**  
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Appellee

**Kenneth Lord**

represented by **Christian J. Urbano**  
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*ATTORNEY TO BE NOTICED*

**Eric P. Heichel**  
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*LEAD ATTORNEY*  
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**Harold B. Murphy**  
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Appellee

**Amphion Ventures**

represented by **Eric P. Heichel**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Appellee

**Robert J. Bertoldi**

represented by **Eric P. Heichel**  
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*ATTORNEY TO BE NOTICED*

Appellee

**Richard C.E. Morgan**

represented by **Eric P. Heichel**  
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Trustee

**John Fitzgerald**

represented by **Joseph G. Butler**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/17/2005	<a href="#"><u>1</u></a>	Notice of APPEAL FROM BANKRUPTCY COURT. File received, filed by T. Mark Morley.(Gawlik, Cathy) (Entered: 08/17/2005)
08/19/2005	<a href="#"><u>2</u></a>	Judge Richard G. Stearns : ORDER entered. (Johnson, Mary) Modified on 2/8/2006 (Johnson, Mary). (Entered: 08/19/2005)
09/07/2005	<a href="#"><u>3</u></a>	Copy of TRANSCRIPT of Proceedings held on 6/29/05 before Judge Bankruptcy Court Judge, filed. (Flaherty, Elaine) (Entered: 09/07/2005)
10/06/2005	<a href="#"><u>4</u></a>	Appellant's BRIEF by T. Mark Morley. (Morley, Thomas) (Entered: 10/06/2005)
10/21/2005	<a href="#"><u>7</u></a>	Appellee's BRIEF by Firestar Sotware, Inc., Kenneth Lord, Amphion Ventures, Robert J. Bertoldi, Richard C.E. Morgan. (Flaherty, Elaine) (Entered: 11/02/2005)
10/21/2005	<a href="#"><u>8</u></a>	Record APPENDIX/EXHIBIT of Appellees by Firestar Sotware, Inc., Kenneth Lord, Amphion Ventures, Robert J. Bertoldi, Richard C.E. Morgan. (Flaherty, Elaine) (Entered: 11/02/2005)
10/24/2005	<a href="#"><u>5</u></a>	Appellee's BRIEF by Joseph G Butler. Appellant Reply Brief due by 11/4/2005. (Butler, Joseph) (Entered: 10/24/2005)
10/31/2005	<a href="#"><u>6</u></a>	Appellant's REPLY BRIEF by T. Mark Morley. (Morley, Thomas) (Entered: 10/31/2005)
11/08/2005	<a href="#"><u>9</u></a>	CERTIFICATE OF SERVICE by T. Mark Morley re <a href="#"><u>6</u></a> Appellant's Reply Brief ( <i>Supplemental</i> ). (Morley, Thomas) (Entered: 11/08/2005)
11/21/2005	<a href="#"><u>10</u></a>	NOTICE of Hearing:Hearing on Bankruptcy Appeal set for 2/1/2006 02:30 PM in Courtroom 21 before Judge Richard G. Stearns. (Johnson, Mary) (Entered: 11/21/2005)



02/01/2006	●	Clerk's Notes for proceedings held before Judge Richard G. Stearns : Argument on Bankruptcy Appeal 05-11708 and 05-11710 held on 2/1/2006. (Court Reporter James Gibbons.) Morley appeared pro se; Joseph Butler, the Chapter 7 Trustee, appeared on behalf of himself; Attorney Harold Murphy appeared on behalf of the non-debtor defendants. After hearing on the bankruptcy appeal, the matter was taken UNDER ADVISEMENT. (Zierk, Marsha) (Entered: 02/01/2006)
02/03/2006	● <u>11</u>	Judge Richard G. Stearns : ORDER entered. MEMORANDUM AND ORDER on Appeal from Orders of the U.S. Bankruptcy Court for the District of Massachusetts (Eastern Division) (Hon. William C. Hillman, U.S. Bankruptcy Judge)(Flaherty, Elaine) (Entered: 02/03/2006)
02/03/2006	●	Civil Case Terminated. (Flaherty, Elaine) (Entered: 02/03/2006)
02/03/2006	● <u>12</u>	Judge Richard G. Stearns : ORDER OF DISMISSAL entered. (Johnson, Mary) (Entered: 02/06/2006)
02/28/2006	● <u>13</u>	NOTICE OF APPEAL to Federal Circuit as to <u>12</u> Order, <u>11</u> Memorandum & ORDER by T. Mark Morley. \$ 255 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerk/transcript.htm">http://www.ca1.uscourts.gov/clerk/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 3/3/2006. (Morley, Thomas) Modified on 2/28/2006 (Flaherty, Elaine). (Entered: 02/28/2006)
03/03/2006	● <u>14</u>	MOTION to Stay re <u>12</u> Order, <u>11</u> Memorandum & ORDER by T. Mark Morley. (Morley, Thomas) (Entered: 03/03/2006)
03/03/2006	● <u>15</u>	DESIGNATION of Record on Appeal by T. Mark Morley re <u>13</u> Notice of Appeal, (Morley, Thomas) (Entered: 03/03/2006)
03/09/2006	●	USCA Appeal Fees received \$ 255 receipt number 70680 re <u>13</u> Notice of Appeal, filed by T. Mark Morley, (Flaherty, Elaine) (Entered: 03/09/2006)
03/14/2006	● <u>16</u>	TRANSCRIPT ORDER FORM by T. Mark Morley for proceedings held on February 1, 2006 before Judge Stearns, re <u>13</u> Notice of Appeal, (Attachments: # <u>1</u> certificate of service) (Hurley, Virginia) (Entered: 03/14/2006)
03/17/2006	● <u>17</u>	Joint Opposition re <u>14</u> MOTION to Stay re <u>12</u> Order, <u>11</u> Memorandum & ORDER filed by Joseph G Butler, Firestar

		Sotware, Inc., Kenneth Lord, Amphion Ventures, Robert J. Bertoldi, Richard C.E. Morgan. (Urbano, Christian) (Entered: 03/17/2006)
03/20/2006	●	Judge Richard G. Stearns : Electronic ORDER entered granting <u>14</u> Motion to Stay (Flaherty, Elaine) (Entered: 03/20/2006)